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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,867	06/02/2004	Philip L. Campbell	FIS920040040US1	3866
29371	7590	10/31/2007		
CANTOR COLBURN LLP - IBM FISHKILL 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER JEAN, FRANTZ B	
			ART UNIT 2154	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/709,867

Applicant(s)

CAMPBELL ET AL.

Examiner

Frantz B. Jean

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-20 is/are rejected.
- 7) ☐ Claim(s) 2 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a first office action in response to application for patent filed on 06/02/04. Claims 1-20 are presented for examination.

Claim Objections

Claims 1-20 are objected to because of the following informalities: please change [c1] - [c20] to 1-20. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-6 and 8-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wehrung et al. hereinafter Wehrung patent publication number US 2004/0111339 A1.

As per claim 1, Wehrung teaches a method for providing continuous communication between passive equipment and active equipment (see par 0001; transferring material between a conveyor and a work station without interfering with conveyor material flow), comprising: monitoring signals received from at least one of said passive equipment and active equipment, said signals relating to at least one equipment state (fig 26; par

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0235 and 0245 and 0330; in fig 26, signal are generated by six sensors that are associated with three zones; the signal indicates when the pod begins to exit and actually leaving a particular zone); and upon detecting a state change (see par 0158, 0264-0265 and 0272): converting a signal associated with said state change to a TCP/IP-formatted request (see fig 7-8 and 11; par 0179; Wehrung teaches a Lan, therefore, it is assumed that the conversion or change is TCP/IP formatted); and transmitting said request to a host system (see par 0158, 0232).

As per claim 3, Wehrung teaches the method of claim 1, wherein said signal includes directions for executing a carrier handshake operation between said passive equipment and said active equipment (see par 0179 and 0235).

As per claim 4, Wehrung discusses SEMI E10, E23, and E84 (see par 0064).

As per claim 5, Wehrung teaches a method of claim 1, wherein said transmitting said request to a host system further includes transmitting said request to a materials control application executing on said host system, said materials control application associated with said active equipment (see par 0179 and 0235).

As per claim 6, Wehrung teaches the method of claim 1, wherein said state change is indicated via pin assignments located on a connector that is coupled to said at least one of a passive equipment and an active equipment (see fig 12 regarding connector; par

0158, 0264-0265 and 0272).

As per claim 8, Wehrung teaches the method of claim 1, wherein said monitoring signals includes monitoring signals for at least one load port associated with said at least one of a passive equipment and an active equipment (see par 0235).

As per claims 18-19, Wehrung teaches Lan and wireless network (fig 6-8).

Claims 9-17 and 20 are already discussed in the rejection of claims 1, 3-6 and 8 above.


Therefore, they are rejected under the same rationale.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantz Jean



FRANTZ B. JEAN
PRIMARY EXAMINER